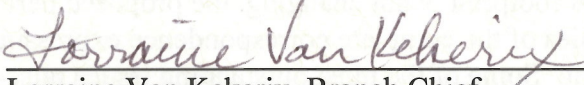


## **REQUEST FOR ACTION**

**To:** Mark De Bie, Deputy Director  
Waste Permits, Compliance, and Mitigation Division

**From:**   
Lorraine Van Kekerix, Branch Chief  
Waste Evaluation and Enforcement Branch

**Request Date:** January 19, 2012

**Decision Subject:** Finding of Conformance with the Countywide Integrated Waste Management Plan for the Forward Landfill, San Joaquin County; Facility Number 39-AA-0015

**Action By:** January 23, 2012

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**Summary of Request:** This is a request that the Deputy Director take action on whether the Forward Landfill is in conformance with the San Joaquin County Siting Element, in conjunction with a proposed amendment to the permit. Staff's findings and recommendations are provided.

**Background:** The proposed permit includes changes not identified in the Countywide Siting Element (CSE), the most significant of which are as follows:

- Increase in total area by 31.2 percent, from 567 acres to 744 acres
- Change in closure year from 2020 to 2021

Public Resources Code Section 50001 requires the location of any new or expanded solid waste disposal facility be identified in the applicable county's CSE before the proposed permit for that facility can be found to be in conformance with the CSE.

The location of the Forward Landfill is identified in the County's CSE. The proposed permit would expand the boundaries of the facility identified in the CSE; it would not expand the footprint of the landfill itself. The policy (see October 7, 2003, California Integrated Waste Management Board, Item No. 19) for facility expansions beyond the currently permitted boundaries is to make conformance findings on a case-by-case basis. In doing so, relevant factors are considered, including but not limited to the following: proximity of the proposed expansion to residents, public notice, and public opposition.

In this instance, the proximity of the facility to residents is not affected because the proposed horizontal expansion is contiguous to the current landfill boundary, and the landfill disposal footprint is not changing.



Dialogue has also advanced through public meetings. On November 21, 2011, the LEA held a public informational meeting, which six members of the public attended. The meeting discussed odor issues from the compost site, the well permit process, the CEQA process, mud on the road, and the additional ten days the site is allowed to be open.

Although the facility's disposal footprint is not changing, the proposed permit has some controversy. Attached are copies of the complete correspondence expressing opposition to the issuance of the proposed permit. Some of the most outstanding issues raised are discussed below. It is alleged that:

- Expanding the landfill's disposal footprint will violate the Williamson Act contract currently in place.

Response: In this permit revision the landfill's footprint is not expanding. The proposed permit does not involve the introduction of any disposal activities on the property included in the proposed boundary. Therefore, the alleged Williamson Act violations are not relevant at this time.

- The landfill has had several violations, and the landfill is falsifying compliance.

Response: The alleged past and present and future violations are germane to the decision of whether or not to issue the permit, which is addressed by its own public process. The facility's compliance history and CalRecycle's pre-permit inspection on November 3, 2011, might shape the permit terms and conditions but would not preclude the determination of conformance if the other requirements are met.

- The landfill is presently monitoring gas at the new boundaries, so therefore the landfill is violating regulatory requirements by taking measurements far away from the disposal site so as to distort readings and appear compliant with various regulatory requirements.

Response: Title 27 CCR, Section 20925 (a)(2) allows operators to monitor landfills at or near facility boundaries. Therefore, the act of taking measurements at the new boundary does not, in itself, constitute a present violation. Compliance monitoring continues to be done at the current permitted facility boundary.

- If the proposed permit is allowed, there may be future violations as the landfill might not comply with all relevant statutes and regulations, including compliance with the terms and conditions of all other permits and authorizations.

Response: This conformance finding is based upon the terms and conditions that exist at this time.

- The proposed boundary change will be the first step toward an expansion of the landfill's disposal footprint.

Response: Although the landfill's disposal footprint could theoretically expand in the future, this is not the issue presented in the proposed permit revision. The current boundary change would not expand the landfill's disposal footprint and would instead allow the facility to change its monitoring points for landfill gas. If the disposal footprint were to expand in the future, a conformance finding would be required for that proposed permit revision. At that time the Department would analyze the terms of the new proposed permit and determine whether the proposed permit revisions was in conformance with the CSE in place at that time.

The correspondence related to the above issues is attached.

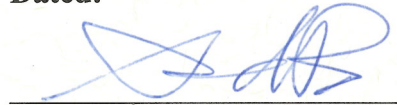
**Recommendation:** Although there has been significant public opposition, none of the issues raised provide a reason to recommend a finding of non-conformance with the CSE. Based on the above analysis of the relevant factors, staff recommends that a determination of conformance be made.

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**Deputy Director Action:**

On the basis of the information, analysis, and recommendation of staff, I hereby determine that the proposed permit is conformant with the CSE and the location of the Forward Landfill is sufficiently identified.

**Dated:**



Mark De Bie, Deputy Director  
Waste Permits, Compliance, and Mitigation Division